

REMARKS

Claims 1-13, 71-139, 152-158, 164 and 165 are all the claims pending in the application. By this Amendment, Applicant amends claim 1, 13, 71, and 152 to further clarify the invention. Claims 89-139 have been withdrawn from consideration and are herein cancelled without prejudice or disclaimer. Claims 8, 9, 80, 81, and 164 are withdrawn and remain pending in the application.

I. Summary of the Office Action

The Examiner withdrew the previous grounds of rejection. The Examiner, however, found new grounds for rejecting the claims. Specifically, claims 1, 2, 4-6, 10-13, 152-157, and 165 are rejected under 35 U.S.C. § 102 and claims 3, 7, 71-79, 82-88, and 158 are rejected under 35 U.S.C. § 103.

II. Claim Rejections under 35 U.S.C. § 102

Claims 1, 2, 4-6, 10-13, 152-157, and 165 are rejected under 35 U.S.C. § 102(b) as being anticipated by a newly found reference, U.S. Patent No. 5,732,398 to Tagawa (hereinafter “Tagawa”). Applicant respectfully traverses these grounds of rejection for *at least* the following exemplary comments.

To be an “anticipation” rejection under 35 U.S.C. § 102, the reference must teach every element and recitation of the Applicant’s claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the reference must clearly and unequivocally disclose every element and recitation of the claimed invention. MPEP § 2131.

Of these rejected claims, only claims 1, 152, and 155 are independent. This response, at least initially, focuses on the independent claim 1. For example, claim 1, among a number of unique features, recites:

calculating by the server a plurality of options,
each of said plurality of options comprising at
least one suboption that corresponds to a value
of one of said selected ones of said components,
the at least one suboption is selected in
accordance with said received manipulated
parameter information, each of the at least one
suboption represents inventory manipulated by a
seller in real-time;
receiving and displaying together by said client
computer from said server the calculated
plurality of options;
selecting by the customer at least two suboptions
from at least two different displayed plurality
of options;
creating a final option based on said customer
selection;...
wherein the created final option is a customized
travel package.

For example, in an exemplary, non-limiting embodiment of the present invention, it is taught that the user can choose various components from a number of options to customize a package for travel reservation. That is, in the conventional techniques, the user may choose from a number of packages or may need to reserve each component of the package separately *e.g.*, as disclosed in Tagawa. In the conventional techniques, there is no disclosure of a user receiving various packages having a number of components each where based on the input parameters, the user is allowed to select components from different travel packages to obtain a customized package and making a reservation for the requested customized package that is obtained from components of different travel packages.

In short, the conventional techniques do not have a user selecting a package with components such as an airline ticket and a hotel reservation, and in return, obtaining a number of various packages (various combinations of the sub-options *i.e.*, airline tickets and hotel reservations), where the user is picking and choosing various sub-options (airline tickets and hotel reservations) from different packages to arrive at a final option (to compose a customized package). The user is not provided with any flexibility over individual components of various packages.

It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claims mentioned above.

Tagawa is no different from the conventional techniques described above. In general, Tagawa discloses a kiosk that allows the user to obtain travel related services. In this system, the user first selects whether he or she wishes to obtain a reservation for one of the following items: a) local visitor attractions, b) local lodging, c) local U-drive cars, d) local or intrastate packages, e) airline tickets, f) out of state tour packages, g) cruises, or h) other shopping options (Fig. 3; col. 10, lines 59 to 64).

In Tagawa, when the user selects an out-of-state tour package option 220, an audio visual introduction to out-of-state tour packages are provided (block 500) and then a series of menus will appear for the user to select a destination area (blocks 502, 504). In Tagawa, if the user is interested in packages with complicated itineraries such as a fourteen-day European vacation, the user is requested to press the HELP button in order to talk to a travel agent. In other words, Tagawa is designed for simple itineraries. After the user selects a destination, the destination area selected may be further refined. The user may also be asked to select a budget, mid-range

or deluxe package (block 506). This will be followed by a qualifying phase (block 508) where the user will be queried as to travel knowledge and then the user will be queried to input departure and return dates (block 510) and the user will be asked if car rental is desired (block 512). If the answer is “yes,” the user will make a selection of a car. If car rental is not desired or after a car has been selected, the system will cause tour packages with different options and prices to be displayed (block 516).

In Tagawa, during the qualifying step in block 508, if input data from the user indicates that the user is a repeat or return visitor or is otherwise familiar with the hotels at the destination area, all available hotels at the desired price category would be listed with prices. If the user is a first-time visitor and is not familiar with the destination area, a recommended choice of one or two available hotels would be presented to the user (block 516). For Las Vegas, for example, usually (i.e. unless the user is in driving distance to Las Vegas) the tour package will include airfare, hotel and airport transfers or car rental, and the user will be queried regarding airline preference and time of day for the departure and return. If any one of the three components, namely flight, hotel or car, of the package is not available for the requested dates and destination, the system will automatically connect the user to a travel agent for assistance. Together with the options with prices displayed, the customer will be requested to make a selection (518). After the customer makes the selection, a keyboard screen will appear requesting the user to input a name or names for the reservation (Figs. 9A and 9B; col. 16, line 38 to col. 17, line 37).

The Examiner alleges that Tagawa’s disclosure of obtaining out-of-state tour package anticipates the features of claim 1. Specifically, the Examiner alleges that in Tagawa’s disclosure the tour packages with prices are the customized package set forth in claim 1 (*see* pages 3-4 of the Office Action). Applicant respectfully disagrees.

Tagawa is no different from the conventional techniques. In Tagawa, options for each component are separately input. For example, if the user desires a car, the user first selects the car (col. 13, line 45 to col. 14, line 15) prior to any tour packages being provided (col. 17, lines 5 to 9). Similarly, the user separately inputs parameters for the airlines (col. 15, lines 25 to 50) during operation 508 (col. 17, lines 8 to 10 and lines 18 to 20). In Tagawa, when the tour packages are displayed, the user lacks flexibility to repackage these tour packages. On the contrary, in Tagawa, the user can only select one of the tour packages (Fig. 9B, block 518).

In Tagawa, the user lacks any flexibility over selection of individual components. In other words, the entire package has to be approved; the user is not able to mix and match various subcomponents from different packages. Until the entire package is approved, the package is not provided to the user. That is, in Tagawa, there is no teaching or suggestion of the user having any flexibility over the individual components in various different packages. In short, Tagawa does not disclose or suggest creating a customize travel package from individual components of different packages.

Therefore, “calculating by the server a plurality of options, each of said plurality of options comprising at least one suboption that corresponds to a value of one of said selected ones of said components, the at least one suboption is selected in accordance with said received manipulated parameter information, each of the at least one suboption represents inventory manipulated by a seller in real-time; receiving and displaying together by said client computer from said server the calculated plurality of options; selecting by the customer at least two suboptions from at least two different displayed plurality of options; creating a final option based on said customer selection;...wherein the created final option is a customized travel package,” as set forth in claim 1 is not disclosed or suggested by Tagawa, which lacks creating a customized

travel package from a number of travel packages provided based on user selection. For at least these exemplary reasons, claim 1 is patentably distinguishable from (and is patentable over) Tagawa. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of claim 1. Claims 2, 4-6, 10-13, and 165 are patentable at least by virtue of their dependency on claim 1.

In addition, dependent claim 2 recites: “generating by said client computer a single itinerary having a single price from said customer selection of the at least two suboptions via the single user interface.” Applicant respectfully submits that Tagawa does not disclose or suggest these unique features of claim 2. For at least these additional reasons, claim 2 is patentably distinguishable from Tagawa.

Dependent claim 4 recites: “sorting by the server said calculated plurality of options according to price.” Applicant respectfully submits that Tagawa does not disclose or suggest any sorting in the server. For at least these additional reasons, claim 4 is patentably distinguishable from Tagawa.

Dependent claim 13 recites: “said customer combining at least one first suboption of a first option with at least one second suboption of a second option creating said final option; and said client computer transmitting said at least one first suboption and said at least one second suboption to said server; and calculating by the server a price for said created final option based on the transmitted first and second suboptions, wherein the options are displayed together with prices.” Tagawa only discloses displaying tour packages with prices but fails to disclose or suggest the creating of a customized package from suboptions of various tour packages and calculating the price for the customized package. For at least these additional reasons, claim 13 is patentably distinguishable from Tagawa.

Next, independent claims 152 and 155 recite features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. For at least substantially analogous exemplary reasons, therefore, independent claims 152 and 155 are patentably distinguishable from (and are patentable over) Tagawa. Claims 153, 154, 156 and 157 are patentable by virtue of their dependency.

III. Claim Rejections under 35 U.S.C. § 103

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagawa in view of U.S. Patent No. 6,119,094 to Lynch et al. (hereinafter “Lynch”) and claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagawa in view of U.S. Patent Publication No. 2001/0034625 to Kwoh (hereinafter “Kwoh”). Applicant respectfully traverses these grounds of rejections for at least the following exemplary reasons.

Claims 3 and 7 depend on claim 1. Applicant has already demonstrated that Tagawa does not meet all the requirements of independent claim 1. Lynch is relied upon only for its alleged disclosure of airfares in a sequence of at least two destination (*see* pages 5-6 of the Office Action) and Kwoh is relied upon only for its alleged disclosure of discounts and as such fail to cure the deficient disclosure of Tagawa. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claim 1. Since claims 3 and 7 depend on claim 1, they are patentable at least by virtue of their dependency.

In addition, the proposed combination of Tagawa and Lynch is unworkable. That is, Tagawa clearly discloses that if the user is interested in packages with complicated itineraries such as a fourteen-day European vacation, the user is requested to press the HELP button in

order to talk to a travel agent. In other words, in Tagawa for out of state travel to multiple destination, the user will be transferred to a travel agent and no automation is provided. For at least these additional exemplary reasons, claim 3 is patentable over Tagawa in view of Lynch.

Claims 71-76, 79, and 82-88 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagawa in view of U.S. Patent Publication No. 2006/0287897 to Sobalvarro et al. (hereinafter “Sobalvarro”) and claims 77 and 78 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagawa in view of Sobalvarro and further in view of Kwoh. Applicant respectfully traverses these grounds of rejections for at least the following exemplary reasons.

Of these rejected claims, only claim 71 is independent. Independent claim 71 recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. For at least substantially analogous exemplary reasons, therefore, independent claim 71 is patentably distinguishable from (and are patentable over) Tagawa. Sobalvarro is only cited for its alleged disclosure of a single price (*see* page 7 of the Office Action) and Kwoh is only cited for its alleged disclosure of discounts (*see* page 8 of the Office Action). Accordingly, these references fail to cure the deficient disclosure of Tagawa. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claim 71. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of claim 71. Claims 72-79 and 82-88 are patentable at least by virtue of their dependency on claim 71.

Independent claim 158 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagawa. Applicant respectfully traverses these grounds of rejections for at least the following exemplary reasons.


Independent claim 158 recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. For at least substantially analogous exemplary reasons, therefore, independent claim 158 is patentably distinguishable from (and are patentable over) Tagawa. Applicant further respectfully notes that Tagawa only discloses that the users can select individual components *e.g.*, car, airfare, and can also select one of the provided packages. Tagawa, however, does not suggest providing the user with additional flexibility of playing mix and match between various packages so as to create a customized package. Accordingly, it would not have been obvious to one of ordinary skill in the art from Tagawa's disclosure to provide this additional flexibility as serious modifications and redesigns would need to be implemented to the system of Tagawa.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Nataliya Dvorson
Registration No. 56,616

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 15, 2008